

ORIGINAL SENATE
FILE NO. SF0038

ENROLLED ACT NO. 50, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to criminal procedure and sentencing; limiting the length of a probation term as specified; specifying applicability; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 7-13-301(a)(intro) and (b), 7-13-302 by creating a new subsection (b), 7-13-305(a) and 35-7-1037 are amended to read:

7-13-301. Placing person found guilty, but not convicted, on probation.

(a) If a person who has not previously been convicted of any felony is charged with or is found guilty of or pleads guilty or no contest to any misdemeanor except any second or subsequent violation of W.S. 31-5-233 or any similar provision of law, or any second or subsequent violation of W.S. 6-2-510(a) or 6-2-511(a) or any similar provision of law, or any felony except murder, sexual assault in the first or second degree, aggravated assault and battery or arson in the first or second degree, the court may, with the consent of the defendant and the state and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to exceed ~~five (5) years~~ thirty-six (36) months upon terms and conditions set by the court. The terms of probation shall include that he:

(b) If the court finds the person has fulfilled the terms of probation and that his rehabilitation has been attained to the satisfaction of the court, the court may at the end of ~~five (5) years~~ thirty-six (36) months, or at any time after the expiration of one (1) year from the date of

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the original probation, discharge the person and dismiss the proceedings against him.

7-13-302. Placing person convicted on probation; suspension of imposition or execution of sentence; imposition of fine; maximum length of probation term.

(b) Unless otherwise authorized by law, no term of probation imposed shall exceed the maximum term of imprisonment allowed by law. Any term of probation imposed under this section for a felony offense shall in no case exceed thirty-six (36) months, except that the judge may impose a term of probation that is not greater than the maximum term of imprisonment authorized by law for the offense for good cause shown upon the record and after considering public safety, rehabilitation, deterrence and any other goals of sentencing.

7-13-305. Determination, continuance or extension; revocation proceedings.

(a) The period of probation or suspension of sentence under W.S. 7-13-302 shall be determined by the court and may be continued or extended. Any term of probation including any continuations or extensions shall not exceed the maximum term of probation authorized under W.S. 7-13-302(b), except that the judge may impose a term of probation that is not greater than the maximum term of imprisonment authorized by law for the offense for good cause shown upon the record and after considering public safety, rehabilitation, deterrence and any other goals of sentencing.

35-7-1037. Probation and discharge of first offenders.

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Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under W.S. 35-7-1031(c) or 35-7-1033(a)(iii)(B), or pleads guilty to or is found guilty of using or being under the influence of a controlled substance under W.S. 35-7-1039, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Any term of probation imposed under this section for a felony offense shall not exceed the maximum term of probation authorized under W.S. 7-13-302(b). Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under W.S. 35-7-1038. There may be only one (1) discharge and dismissal under this section with respect to any person. This section shall not be construed to provide an exclusive procedure. Any other procedure provided by law relating to suspension of trial or probation, may be followed, in the discretion of the trial court.

Section 2. The provisions of this act shall apply to all persons who are sentenced or placed on probation pursuant to W.S. 7-13-301, 7-13-302 and 35-7-1037 on or after the effective date of this act.

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Section 3. This act is effective July 1, 2019.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk